method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no Government or legislature can function at all. Once we have safeguarded major communal issues other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of fundamental rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these fundamental rights all over India.

(10) The constitution of the Union will inevitably contain provision for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

7. THE COMMUNIST PARTY MEMORANDUM TO THE CABINET MISSION, APRIL 15, 1946.

1. *Declaration of Independence* :

The foremost desire of all Indians today is the immediate ending of British rule which has meant for them economic degradation and political slavery. Two centuries of British rule with its record of brutal suppression of the Indian

people and of famine, destitution and poverty for the mass of people, has convinced every Indian that there is no decent existence possible for him unless the British overlordship over India is ended. Successive British Governments, who have not hesitated to break their pledged word, have battered the faith of the Indian people in the willingness of Britain to transfer power.

The Communist Party, therefore, will judge the Cabinet Mission only by its practice and the first proof of sincerity that they demand is an unequivocal and unambiguous declaration recognising Indian independence and Indian sovereignty.

In further proof of its sincerity, the British Government should declare its determination to effect within six months the total withdrawal of British troops from all Indian territory, including the States.

Such a declaration should be made and implemented irrespecttive of the fact whether India's political parties have settled their differences. The question of Indian unity is an internal question to be settled by the people themselves. It cannot be made an excuse for the refusal of Britain to transfer power. The withdrawal of British troops and the recognition of India's sovereignty must begin forthwith and the following measures should be taken to achieve the same :

2. *Transfer of Power* :

Establishment of a Provisional Government, based on main popular parties. We think that the best course would

be an agreement between the Congress and the League for parity in the Government and for adequate representation to minorities.

All the powers vested in the British Government and the King-Emperor as the paramount and sovereign power vis-a-vis the Indian States and the present Indian Government as well as all special powers vested in the Viceroy and the Governors must be forthwith ended. This alone will enable the Provisional Government freely to negotiate with the British Government on the basis of equality and to be in a position to deal with the question of the Indian Princes and the States and their future place in a free India.

3. *Function of the Provisional Government*:

(*i*) The main task of the Provisional Government will be to convene a Constituent Assembly within six months of its establishment and ensure that the elections to the Assembly are free and democratic.

(*ii*) The Provisional Government would be responsible to the Constituent Assembly when the latter comes into existence, as stated below, and in the meanwhile it would not lie within its competence to commit India to any political, economic or military treaty with any power.

(*iii*) The Provisional Government should prepare a treaty to be negotiated with the British Government for the prompt payment of sterling balances

and mutual trade relations, subject to its final ratification by the all-India Constituent Assembly.

4. *Constituent Assembly* :

It is the right of the Indian people to frame their own constitution and it is in the Indian people alone that full sovereignty is vested.

The Constitution-making Body envisaged by the British Government is undemocratic, as it will be formed by election of delegates by the members of the Provincial Assemblies, on the basis of indirect election. The existing Provincial Assemblies based on a narrow franchise keep the vast majority of the people out of power.

5. *Self-Determination* :

The acute differences between the Congress and the League on the issue of Constituent Assembly can only be settled by the just application of the principle of self-determination.

We suggest that the Provisional Government should be charged with the task of setting up a Boundaries Commission to redraw the boundaries on the basis of natural ancient homelands of every people, so that the redemarcated Provinces become as far as possible linguistically and culturally homogeneous National Units, e.g., Sind, Pathanland, Baluchistan, Western Punjab, etc.* The people of each such unit should

* The following is the comprehensive list of the National Units that will come into existence as suggested above and after the dissolution of the Indian States as contemplated under section 6—*viz.*: Tamilnad, Andhra-

have the unfettered right of self-determination, *i.e.*, the right to decide freely whether they join the Indian Union or form a separate sovereign state or another Indian Union.

The elections to the Constituent Assembly should, therefore, be based on recognition of this fundamental right and during the elections the question of separation or union should be put by the political parties to the people. The delegates elected from each National Unit shall decide by a majority whether they will join the all-India Constituent Assembly to form an Indian Union or remain out and form a separate sovereign state by themselves or join another Indian Union.

The Communist Party stands for a free, voluntary democratic Indian Union of sovereign units. It is firmly convinced that the best interests of the Indian masses will be served by their remaining together in one common Union in a common brotherhood to defend the freedom and solve the problems of poverty which require the co-operation of all. It is only on the basis of the application of the principle of self-determination as indicated above that Indian unitv can be preserved.

6. *States* :

The Indian people are determined to put an end to the Princes' autocracy which holds sway over one-third of India. Indian freedom and Indian democracy will have no meaning, in fact, they will be constantly endangered, if one-third of

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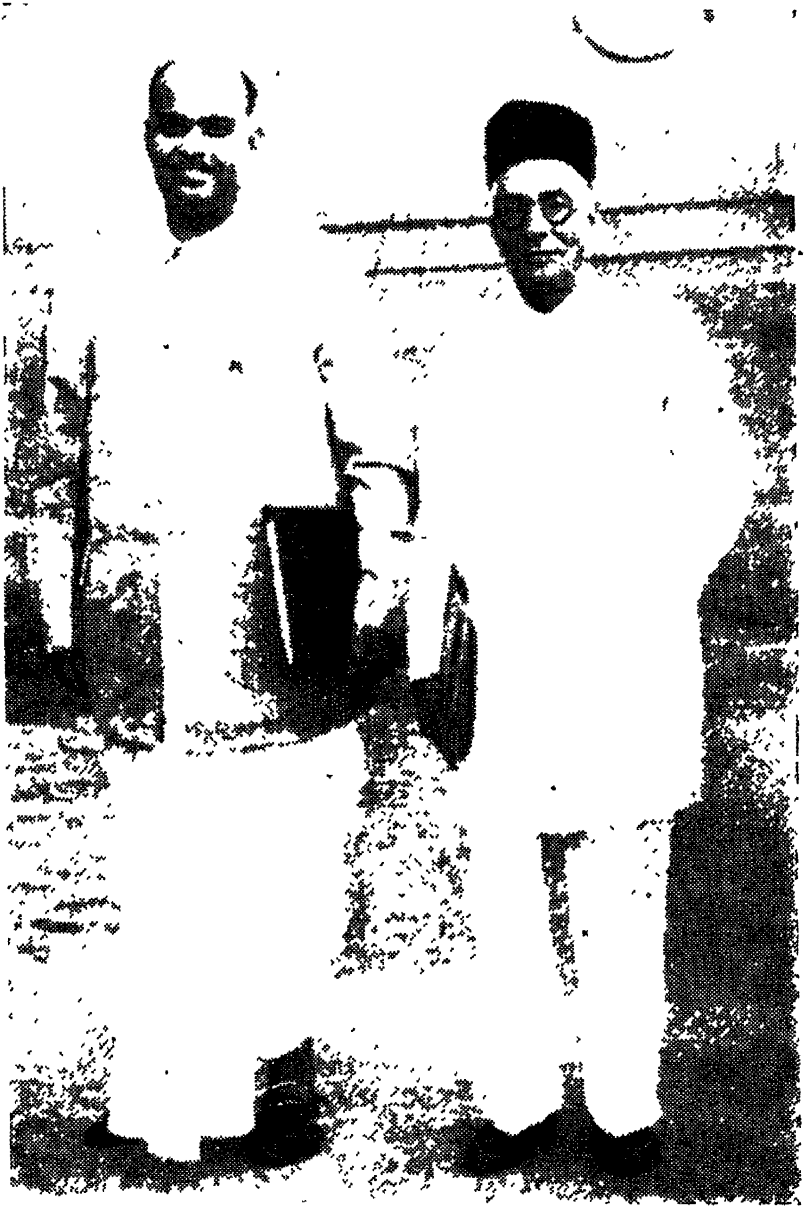
desha, Kerala, Karnatak, Maharashtra, Gujarat, Rajasthan, Sind, Baluchistan, Pathanland, Kashmir, Western Punjab, Central Punjab, Hindustan, Bihar, Assam, Bengal, Orissa.



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Mr. L. P. Bhopatkar.

India is allowed to remain under the yoke of these medieval autocrats. The Princes are the creation of the British Government, and have been in the past and are to-day maintained by British bayonets as a useful prop to British rule. India regards the so-called treaties and obligations of the British Government as merely a conspiracy against Indian democracy. There should be, therefore, no question of inviting the Princes to share power in the Interim Government or of allowing them any share in determining the decisions of the Constituent Assembly.

The peoples of the Indian States should, therefore, have the same rights and franchise as the rest of the Indian people. The people of each state should have the full right to decide through a freely-elected Constituent Assembly whether they should join the Indian Union as a separate Province or join any particular reconstituted Province, inhabited by people of the same nationality.

7. *Civil Liberties* :

Normally when the independence of a country is to be discussed, an essential precondition to the opening of discussions should be the restoration of complete civil liberties and a general amnesty for all political prisoners. The Communist Party has noted that whatever is being done at present, is full of hesitation and discrimination.

The Communist Party, therefore, demands :

(*i*) the immediate release of all political prisoners including those convicted of terrorist offences

and in particular the Bengal pre-reform prisoners, many of whom have been in jail for more than fifteen years ;

(*ii*) the immediate release of all Indians belonging to the Army, Navy and Air Force who have been imprisoned or convicted in connection with the recent strikes ;

(*iii*) the immediate release of all soldiers of the *Azad Hind Fauj* (Indian National Army) still in prison and of all Indians in the Armed Forces who during the past six years have been convicted or detained on account of their political activities ;

(*iv*) the immediate lifting of the ban on all political parties (*e.g.*, Congress Socialist Party, Forward Bloc, etc.) that still remain illegal ;

(*v*) the immediate restoration of full civil liberties to the entire people, including the cessation of arrests of political workers and of demands from newspapers for security, etc., actions which, in particular, are being increasingly directed at members and newspapers of the Communist Party.

8. *Conclusion* :

The Communist Party is of the opinion that only if the British Government proceeds along the lines laid down in this Memorandum, will it be able to achieve stable democratic settlement between the Indian people and the British people on the basis of equality, thus solving one of the knottiest problems of world security and peace among peoples.

Any attempt, however, to exploit the differences among the Indian people, to impose an arbitrary partition, and to retain the Princes in order to perpetuate British domination will be resisted by the Indian people with all the strength at their command.

8. THE HINDU MAHASABHA MEMORANDUM TO THE CABINET MISSION, APRIL 24, 1946.

1. *Declaration of Independence* :

As all sovereignty in respect of India vests in the Indian people, it is the right of the Indians to be fully and completely free like all the free peoples in the world.

It is only absolutely unfettered freedom that will enable India to be a front-line nation in the world, and to play her rightful role in the maintenance of world-peace and world-order. It is independence, coupled with India's natural resources, man-power and strategic position in the geography of the world, that will enable her to hold the scales even between the West and the East. There are also several other considerations which require that India should be free from any external obligations and control.

The Hindu Mahasabha, therefore, urges that India should be fully free and independent, and that a declaration to that effect should be immediately made by the British Cabinet through proper channel.

The Mahasabha is of the opinion that it is alliance on equal terms with, rather than membership of, the British Commonwealth of Nations, that will be in tune with the

time-sprit, and will also prove beneficial to both in the long run.

2. *India's Integrity and Indivisibility* :

Be the modes of living and worship of the Indian people what they may, there can be no doubt that geographically, historically, ethnologically, politically, and even culturally India is one, whole and indivisible, and it must remain so in future. This integrity and indivisibility must be maintained, whatever the cost and sacrifice be.

No community in India can rightfully claim to constitute a nation, much less a sovereign nation, with a separate homeland of its own. Partition of India into two or more sovereign nations under any guise or disguise will be economically unsound and disastrous ; and politically unwise and suicidal.

3. *Territorial self-determination* ;

The Hindu Mahasabha is opposed to the new-fangled principle of territorial self-determination, as in theory it is vicious and in practice will prove more dangerous than Pakistan itself.

4. *Indian Union* :

India's Constitution should be of a federal type with the Indian Union at the Centre and the Provinces and the Indian States as its federating Units.

The Constitution should leave no room for any Province or an Indian State not to accede to the said Union or to secede therefrom.

5. *Provincial Autonomy and Residuary powers* :

The Constitution should provide for the grant of the utmost possible measure of autonomy to the federating Units, but with the residue of powers vested in the Centre.

The Union Government should have the power of superintendence and control in cases where the federating Units go wrong in respect of national policy or interest and should be strong enough to exercise this power effectively.

6. *Rule of majority* :

The Constitution should contain no provision which will tend directly or indirectly, to reduce a majority into a minority by the grant of special concessions to minorities such as weightage, excessive representation, parity and so forth. The governing principle of the Constitution should be democracy, which means the rule of the majority. The so-called "parity of representation" should not be recognised even with joint electorates, as it would amount to penalizing the Hindus for no fault of theirs but for the mere reason that they constitute a majority.

The Constitution shall guarantee adequate safeguards for the protection of religion, culture and language for all, including minorities.

7. *Joint Electorates and Adult Franchise* :

The representation both in the Federal and Provincial Legislatures should be on the principle of adult franchise and one man one vote. The electorates should be joint with

reservation of seats for minorities according to the population basis, wherever necessary.

The Hindu Mahasabha is of the opinion that it will be highly imprudent to frame India's Constitution on principles other than those as envisaged above, as such a Constitution will not fail to be a perennial source of political irritation and strife.

8. *Interim Government* :

An Interim Central Government should be formed immediately composed of representatives of the political parties willing to shoulder responsbility. The formation of such a Government should not be delayed on the plea of non-co-operation on the part of any particular party. During the period of transition, the Viceroy will act as the Constitutional Head and will not exercise his power of veto.

There should take place complete transfer of power and authority of the Government of India to the Interim Government.

It should be one of the primary functions of this Government to provide adequate facilities to the Constituent Assembly to carry on its work without let or hindrance.

9. *Constituent Assembly* :

The Constituent Assembly will consist of representatives of all political parties in proportion to their voting strength as shown in the last elections.

The Constituent Assembly will be the sovereign body which will decide the terms of treaty with Great Britain.

The Constituent Assembly will decide all matters by majority vote, and the decisions so taken should be binding on all.

The Constitution framed by the Constituent Assembly will be the Constitution of India.

These are broadly the main principles which the Hindu Mahasabha stands for, in so far as India's Constitution is concerned.

9. MEMORANDUM OF THE AKALI PARTY TO THE CABINET MISSION.

[This Memorandum was submitted by Master Tara Singh, leader of the Akalis, to the Cabinet Mission.]

The position of the Minorities has changed since the Cripps Mission. As conceded by Major Attlee, Indians cannot be made responsible for governing themselves and at the same time power retained in the hands of an authority outside India for intervention on behalf of such Minorities for ensuring their proper treatment by the majority.

This makes it all the more necessary for the Sikhs to safeguard in the Constitution itself their political status in the future policy of the country.

The draft declaration provides for the right of non-accession of provinces. The Sikhs make it plain that they are opposed to any possible partition of India as envisaged in the draft declaration. As stated above, the Sikhs form a compact cultural nationality of about six millions.